

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q77266

Eiji KAMBARA, et al.

Appln. No.: 10/565,003

Group Art Unit: 1794

Confirmation No.: 5164

Examiner: GRAY, Jill M.

Filed: January 19, 2006

For: CRIMPED CARBON FIBER AND PRODUCTION METHOD THEREOF

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing an interview conducted on March 1, 2010 and March 3, 2010.

REMARKS

An Examiner's Interview Summary Record (PTO-413) was attached with the Notice of Allowance dated March 24, 2010, and indicates that an interview was conducted on March 2, 2010. However, as discussed in further detail below, applicants' undersigned counsel spoke with the Examiner on March 1, 2010 and March 3, 2010.

During the interview on telephone interview on March 1, 2010, undersigned counsel requested that the Examiner consider and enter the Affidavits that were submitted with the Amendment Under 37 C.F.R. § 1.116 filed on January 19, 2010. The Affidavits had been submitted to respond to rejections based on U.S. Patent 4,816,289 to Komatsu et al

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In the Advisory Action, the Examiner had stated that the Affidavits were not timely filed and that it is not proper to rely on the Affidavits because they were from a foreign application.

During the telephone conference on March 1, 2010, undersigned counsel stated that the Affidavits were timely because they responded to points that were newly raised in the Final Office Action, and that the mere fact that the Affidavits were originally submitted in a foreign application did not provide a basis for excluding their consideration in the present application. Undersigned counsel argued that all relevant evidence must be considered.

The Examiner called on March 3, 2010 and advised that she would enter and consider the Affidavits, but had not yet decided whether the application would be allowed.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

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Date: April 26, 2010